

REMARKS

The Amendments

Applicants have added claims 45-52 directed to products. Support for these claims can be found, *inter alia*, on page 9, lines 17-20 and original claim 23.

The Restriction Requirement

The Examiner has required restriction between the product (Group I) and process claims (Group II) of the application. Applicants traverse.

The Manual of Patent Examining Procedure (MPEP) states that there are two criteria for a proper requirement of restriction between patentably distinct inventions. The first is that the inventions must be independent or distinct as claimed. The second is that there must be a serious burden on the Examiner if restriction is not required. The MPEP further states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." MPEP § 803.

Applicants do not believe that there is a serious burden on the Examiner to examine the product and method claims of Groups I and II. If the Examiner maintains the rejection, applicants provisionally elect Group I for initial substantive examination and request that added claims 45-52 be examined with the claims of Group I.

The Species Election

The Examiner has required applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants elect subject matter related to the antibody of hybridoma cell line 7B6.15.11 (Accession No. PTA-5000). Applicants identify claims 1-3, 17-39 and added claims 45-53 as encompassing subject matter related to the antibody of hybridoma cell line 7B6.15.11 (Accession No. PTA-5000). This election is made expressly without waiver of applicants' rights to continue to prosecute and to obtain claims to the non-elected subject matter either in this application or in other applications claiming benefit herefrom.

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In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

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